

CHAPTER NO. 778

SENATE BILL NO. 3430

By Ketron, Cooper, Crutchfield, Herron

Substituted for: House Bill No. 3486

By McMillan, Pinion, Mr. Speaker Naifeh, Fitzhugh, Coleman, Maddox, Montgomery, Roach, Buttry, Bowers, Yokley, Michael Turner

AN ACT to amend Tennessee Code Annotated, Sections 55-50-102, 55-50-303, 55-50-321, 55-50-322, 55-50-323, 55-50-331, 55-50-332 and 55-50-337, relative to driver license issuance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-102, is amended by adding the following new subsections (18) and (29) and by renumbering the remaining subsections accordingly:

(18) "Certificate for driving" means a certificate issued by the department to an individual who does not satisfy the requirements of § 55-50-321(c)(1)(C)(i) or (ii). Such certificate for driving shall be clearly distinguishable from a driver license and shall clearly display on its face a phrase substantially similar to

"FOR DRIVING PURPOSES ONLY – NOT VALID FOR IDENTIFICATION".

(29) "Lawful permanent resident" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

SECTION 2. Tennessee Code Annotated, Section 55-50-303(a), is amended by adding the following subdivision:

(9) To any person who is not a United States citizen or lawful permanent resident of the United States.

SECTION 3. Tennessee Code Annotated, Section 55-50-321(c)(1), is amended by adding the following new subdivisions:

(C) Any applicant applying for a driver license, instruction permit, intermediate driver license or photo identification license, upon initial issuance or reinstatement, shall provide either an original or certified copy of one of the following:

(i) Documentation that the applicant is a citizen of the United States; or

(ii) Documentation issued by the United States government establishing that the applicant is a lawful permanent resident.

(D) Any applicant who has received an initial issuance of a driver license since January 1, 2001, shall provide documentation as required in subdivisions (C)(i) or (C)(ii) upon the first renewal date of such license.

SECTION 4. Tennessee Code Annotated, Section 55-50-322(a)(1)(A), is amended by deleting the first sentence in its entirety and by substituting instead the following:

The department shall examine every applicant for a driver license, intermediate driver license, learner permit, or certificate for driving, except as otherwise provided in this part.

SECTION 5. Tennessee Code Annotated, Section 55-50-323, is amended by adding the following language as a new, appropriately designated subsection:

() The fee charged for a certificate for driving issued pursuant to § 55-50-331(g) or § 55-50-331(h) shall be the same as the fee charged for a five year Class D license.

SECTION 6. Tennessee Code Annotated, Section 55-50-331, is amended by adding the following new subsections:

(g) Notwithstanding any other provision of law to the contrary, the department may issue a certificate for driving to persons whose presence in the United States has been authorized by the federal government for specific purpose and for specified period of authorized stay. Such certificate of driving shall be valid only during the period of the time of the applicant's authorized stay in the United States, provided that no certificate shall be issued for a period of less than one (1) year or longer than five (5) years.

(h) Notwithstanding any other provision of law to the contrary, the department may issue a certificate for driving to persons who do not satisfy the requirement of § 55-50-331(g) or the requirements of § 55-50-321(c)(1)(C). Such certificate for driving shall be valid for a period of one (1) year. Except as otherwise provided in this act, all laws applicable to driver licenses and financial responsibility shall also apply to certificates for driving. All laws applicable to convictions, suspensions, cancellations, and revocations of driver licenses shall also apply to certificates for driving.

(i) Any applicant applying for a certificate for driving, upon initial issuance, renewal or reinstatement, shall meet the requirements of this subsection.

SECTION 7. Tennessee Code Annotated, Section 55-50-332, is amended by adding the following subsection:

(c) Duplicate certificates for driving obtained in place of such certificates for driving, issued pursuant to § 55-50-331(g) or § 55-50-331(h) shall be valid during the period of time specified in such subsections.

SECTION 8. Tennessee Code Annotated, Section 55-50-337, is amended by adding the following subsections:


(c) Notwithstanding any other provisions of law to the contrary, certificates for driving issued pursuant to § 55-50-331(g) or § 55-50-331(h) shall be valid during the period of time specified in such subsections.

(d) Any person issued a license or permit prior to the effective date of this act, who is subject to the provisions of §55-50-331(g) or §55-50-331(h) shall, upon renewal or reapplication, receive, if otherwise eligible, a certificate for driving which shall expire in accordance with such subsections.

SECTION 9. The department is authorized to promulgate public necessity rules to implement the provisions of this act by July 1, 2004. For all other purposes, Sections 2 and 3 of this act shall be effective upon becoming a law, the public welfare requiring it. Section 1 and Sections 4 through 8 of this act shall become effective July 1, 2004, the public welfare requiring it.

PASSED: May 12, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of May 2004


PHIL BREDESEN, GOVERNOR